

1 LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
2 PATRICK J. COUGHLIN (111070)
REED R. KATHREIN (139304)
3 JEFF D. FRIEDMAN (173886)
SYLVIA WAHBA KELLER (197612)
4 CONNIE M. CHEUNG (215381)
100 Pine Street, Suite 2600
5 San Francisco, CA 94111
Telephone: 415/288-4545
6 415/288-4534 (fax)
PatC@lerachlaw.com
7 ReedK@lerachlaw.com
JFriedman@lerachlaw.com
8 SylviaW@lerachlaw.com
ConnieC@lerachlaw.com
9 – and –
WILLIAM S. LERACH (68581)
10 ELIZABETH A. ACEVEDO (227347)
655 West Broadway, Suite 1900
11 San Diego, CA 92101
Telephone: 619/231-1058
12 619/231-7423 (fax)
BillL@lerachlaw.com
13 EAcevedo@lerachlaw.com

14 Lead Counsel for Plaintiffs

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 In re CV THERAPEUTICS, INC.
18 SECURITIES LITIGATION

) No. C-03-3709-SI
)

) CLASS ACTION
)

19 This Document Relates To:
20

21 ALL ACTIONS.
22

) SUPPLEMENTAL DECLARATION OF
) REED R. KATHREIN IN SUPPORT OF
) PLAINTIFFS' REPLY IN SUPPORT OF
) MOTION TO COMPEL PRODUCTION
) AND FOR AN ORDER TO SHOW CAUSE
23 WHY SANCTIONS FOR DESTRUCTION
24 OF DOCUMENTS SHOULD NOT BE
25 ENTERED

26 DATE: March 31, 2006
27 TIME: 9:00 a.m.
28 COURTROOM: Honorable Susan Illston

1 I, REED R. KATHREIN, declare as follows:

2 I am an attorney duly licensed to practice before all of the courts of the State of California. I
3 am a member of the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, one of the
4 counsel of record for plaintiff in the above-entitled action. I have personal knowledge of the matters
5 stated herein and, if called upon, I could and would competently testify thereto.

6 1. I personally reviewed hard copies of all the documents produced by CV Therapeutics,
7 Inc.'s General Counsel, Tricia Suvari, and its Senior Corporate Counsel, Douglas Sheehy, as well as
8 indexes of all electronic documents produced by defendants for the August 2003 and early
9 September 2003 time frame for copies of alleged emails sent by Ms. Suvari and Mr. Sheehy relating
10 to document preservation or instructions. I also reviewed the back-up tape catalogs of Tricia Suvari
11 and Douglas Sheehy's email which show the dates and subject matters of their emails for similar
12 documents. The only catalogs of backup tapes that were produced to us that show some level of
13 detail for employees are dated October 31, 2003, November 5, 2003, and December 3, 2003. A
14 September 13, 2003 tape also shows some detail but not of the personnel who are most relevant to
15 this case. A review of these sources, produced or not produced, did not reveal the names of any
16 email subjects that appear to be related to instruction to preserve documents for this litigation. There
17 were no titles such as, "Important" or "New Company Policy" or "Please Read" that would cause
18 one to look at the email as containing important instructions.

19 2. I have also reviewed the catalog descriptions of each email in the inbox and deleted
20 items folder for each current and former defendant and I did not see any subjects that appeared to be
21 related to preservation instructions.

22 3. Finally, I reviewed the two privilege logs produced by defendants and there appear to
23 be no emails related to preservation instructions that appeared on those logs.

24 4. Plaintiff served their first request to produce documents on defendants in September
25 2004. Under the Private Securities Litigation Reform Act of 1995 and local rules, plaintiff could not
26 have served them earlier. Also, on September 20, 2004, plaintiff and defendants exchanged their
27 initial disclosures under Fed. R. Civ. P. 26(a).

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5. Attached is a true and correct copy of the following exhibit:

Exhibit A: Defendants' Responses and Objections to Plaintiff's First Request for Production of Documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17th day of March, 2006, at San Francisco, California.

/s/ REED R. KATHREIN
REED R. KATHREIN

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/s/ REED R. KATHREIN
REED R. KATHREIN

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: ReedK@lerachlaw.com

Mailing Information for a Case 3:03-cv-03709

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Elizabeth Aida Acevedo**
eacevedo@milberg.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Patrick J. Coughlin**
patc@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **Paul H. Dawes**
paul.dawes@lw.com
- **Sean M. Handler, Esq**
ecf_filings@sbclasslaw.com nwortman@sbclasslaw.com
- **Robert A. Jigarjian**
CAND.USCOURTS@CLASSCOUNSEL.COM
- **Michele D. Johnson**
Michele.Johnson@lw.com Beverly.Wilkinson@lw.com
- **Reed R. Kathrein**
reedk@lerachlaw.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com
- **William S. Lerach**
e_file_sd@lerachlaw.com e_file_sf@lerachlaw.com
- **Jay L. Pomerantz**
jay.pomerantz@lw.com
- **Darren J. Robbins**
e_file_sd@lerachlaw.com e_file_sf@lerachlaw.com
- **Peter Todd Snow**
peter.snow@lw.com carmel.ene@lw.com
- **John C. Tang**
john.tang@lw.com jay.pomerantz@lw.com;matthew.missakian@lw.com
- **Sylvia Wahba**
sylvia.w@milberg.com e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into

your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)